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OFFICE OF PETITIONS

In re Application of
JAVITT et al.
Application No.: 09/362,199
Filing Date: July 28, 1999
Attorney Docket No.: 2685/5226

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**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

The decision mailed 26 September 2007 granting applicants' petition to revive under 37 CFR 1.137(b) is hereby VACATED.

This is a decision on the petition under 37 CFR 1.137(b), filed January 25, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due (Form PTOL-85) and the Notice of Allowability (Form PTOL-37) both mailed August 1, 2006, which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on November 1, 2006.

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before June 8, 1995.

The instant petition does not satisfy requirement (1) above. The Notice of Allowability required corrected drawings but these drawings have not been provided.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed to:

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.



Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy